

AMENDED IN SENATE JUNE 24, 2003

AMENDED IN ASSEMBLY APRIL 22, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

## ASSEMBLY BILL

**No. 271**

**Introduced by Assembly Member Nunez**

February 5, 2003

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An act to add Chapter ~~13 (commencing with Section 4850)~~ *14 (commencing with Section 4870)* to Division 4.5 of the Welfare and Institutions Code, relating to services for the developmentally disabled.

### LEGISLATIVE COUNSEL'S DIGEST

AB 271, as amended, Nunez. Developmental services: human resources.

The Lanterman Developmental Disabilities Services Act requires the State Department of Developmental Services to contract with regional centers for the provision of various services and supports to persons with developmental disabilities.

This bill would revise the framework for the provision of human services to persons with developmental disabilities, including alternative employment options available to state employees in the developmental services field, as a result of the revised service provision framework.

This bill would authorize the department to establish state-owned, state-operated, or state-staffed residential facilities or services, as specified, to meet the needs of persons with a developmental ~~disability~~ *disabilities* whose needs otherwise cannot be met.

This bill would require the department to prepare an annual report to the Legislature, with specified components, to address issues relating to the implementation of the bill.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter ~~13~~ (commencing with Section ~~4850~~)  
~~14~~ (commencing with Section 4870) is added to Division 4.5 of the  
Welfare and Institutions Code, to read:

CHAPTER ~~13~~. 14. PRESERVATION OF HUMAN RESOURCES FOR  
PERSONS WITH DEVELOPMENTAL DISABILITIES

Article 1. Legislative Intent

~~4850.—~~

4870. It is the intent of the Legislature in enacting this chapter  
to enable the state to take significant steps toward fulfilling its  
mandated obligations under this division by safeguarding human  
resources historically employed in the care of persons with  
developmental disabilities.

Article 2. Alternative Employment Options

~~4852.—~~

4872. (a) In the event of program consolidations or the  
closure of programs or centers, the department shall make every  
reasonable effort, subject to collective bargaining where  
applicable, to continue all developmental center staff in their civil  
service positions by one or more of the following actions:

(1) Deployment of the employees pursuant to paragraph (4) of  
subdivision (b) of Section ~~4854~~. 4874.

(2) Reassignment of the employees to state-owned,  
state-operated, or state-staffed community-based residential  
programs described in subdivision (c) of Section ~~4855~~. 4875.

(3) Assignment of the employees to provide vendor services to  
one or more individuals in community-based programs.

(4) Reassignment of the employees to any vacant state position *for which the employee meets all civil service qualifications* with all accrued benefits, accumulated sick leave, and without serving an additional probation period. Reassignment shall be offered first to the employee with the greatest seniority in the classification, as defined by the applicable collective bargaining agreement.

(b) Notwithstanding subdivision (a), employees shall retain all the rights delineated in the layoff and displacement article and sections of the applicable collective bargaining agreement in effect on January 1, 2004.

### Article 3. Increasing Availability of Specialized Services

~~4854.—~~

4874. (a) The Legislature finds and declares that many individuals with developmental disabilities who are eligible to receive services pursuant to this division lack access to specialized medical, dental, pharmaceutical, psychological, and other professional services. Low reimbursement rates and a shortage of professionals trained to meet the special needs of these consumers has resulted in significant unmet needs experienced by consumers in many communities. The Legislature further finds and declares that professional employees in the developmental centers have specialized training and experience in providing these specialized services but, due to current funding structures, are only able to provide them to residents of developmental centers. It is the intent of the Legislature to make the skills, training, and experience of the professionals on the staff of the state developmental centers available to consumers who live in communities that lack these professional services.

(b) The department shall develop a state staffing plan through which developmental center employees with specialized skills, training, and experience will be maintained on the state staff for the purpose of meeting the needs of community-based residents who otherwise would lack access to those services. The plan shall include, but not be limited to, all of the following:

(1) Identification of the medical, dental, podiatric, pharmacological, psychological, habilitation, rehabilitation, social work, case management, educational, vocational, quality

1 assurance, nursing, and other professional expertise that is  
2 available in developmental centers.

3 (2) Identification of the extent to which consumers who reside  
4 in community-based settings have an unmet need for the expertise  
5 identified in paragraph (1).

6 (3) Identification of state employees who, as a result of the  
7 diminished need for their services in developmental centers, will  
8 become available to fill these unmet needs.

9 (4) A deployment methodology through which these  
10 employees can serve the needs of consumers in various parts of the  
11 state. The deployment methodology may include, but is not  
12 limited to, mobile clinics, specialized treatment teams, linkage to  
13 teaching hospitals, placement in regional center offices, and any  
14 other means that will permit the maximum number of consumers  
15 with unmet needs to gain access to these professional services.

16 (5) A plan for financing these services that ensures maximum  
17 federal financial participation.

18 ~~4855.—~~

19 4875. (a) It is the intent of the Legislature to ensure that  
20 appropriate care is available in the community to meet the needs  
21 of all consumers, as defined in subdivision (d) of Section 4512,  
22 including those with exceptional medical and behavioral needs. To  
23 accomplish this goal, the department may establish state-owned,  
24 state-operated, or state-staffed residential facilities or services, as  
25 described in subdivision (c), that are designed to meet the needs of  
26 consumers whose needs otherwise cannot be met.

27 (b) As used in this chapter, “state-owned, state-operated, or  
28 state-staffed” means facilities and services that are any of the  
29 following:

30 (1) Owned by the state and operated by state employees.

31 (2) Leased by the state and operated by state employees.

32 (3) Neither owned nor leased by the state, but operated by state  
33 employees.

34 (4) Neither owned, leased, nor operated by the state, but staffed  
35 in whole or in part by state employees.

36 (c) State-owned, state-operated, or state-staffed services may  
37 include any of the following:

38 (1) Short-term residential crisis services designed to address  
39 the behavioral and related medical and other needs of individuals



1 who require stabilization in order to live safely in a  
2 community-based setting.

3 (2) Services for individuals with psychiatric disabilities that  
4 cannot otherwise be met in a community-based setting.

5 (3) Short-term residential facilities for the purpose of  
6 providing respite care.

7 (4) Services for individuals who have significant needs that  
8 cannot otherwise be met in a community-based setting.

9 (5) Community resource centers that provide outpatient  
10 specialized services for persons with developmental disabilities,  
11 including, but not limited to, medical services, podiatric services,  
12 dental services, therapeutic habilitation and therapeutic  
13 rehabilitation, technical support for the design and fabrication of  
14 adaptive equipment and assistive devices, emergency behavioral  
15 intervention, nursing consultant services, educational consultant  
16 services, pharmacological services, audiological services, and  
17 other related services designed to meet the unique needs of persons  
18 with developmental disabilities.

19 (d) The department shall consult representatives of  
20 community-based providers, regional centers, consumers,  
21 consumer advocates, and recognized employee organizations as  
22 defined in subdivision (b) of Section 3513 of the Government  
23 Code, in order to assess the need for state-owned, state-operated,  
24 or state-staffed facilities and to design these facilities  
25 appropriately to meet consumer and community needs. The  
26 department shall report to the appropriate committees of the  
27 Legislature on the results of this assessment and design process  
28 prior to the implementation of any new facility or services under  
29 this section.

30 (e) Services under this section shall be provided pursuant to the  
31 individual program planning process and operated in compliance  
32 with the following principles:

33 (1) They shall provide high-quality services and supports that  
34 promote choice and dignity, ensure health and safety, and involve  
35 consumers in meaningful activities that promote independence,  
36 community inclusion, and productivity.

37 (2) They shall provide services that are designed through the  
38 person-centered program planning process and are included in  
39 each person's individual program plan.

1 (3) They shall be designed to permit consumers to live near  
2 family and friends whenever feasible.

3 (4) They shall consist of small family sized living  
4 arrangements in regular neighborhoods ~~unless the department~~  
5 ~~demonstrates the need for an exception in order to meet the~~  
6 ~~specific needs of a target population. The department shall report~~  
7 ~~to the appropriate legislative committees on any proposed~~  
8 ~~exceptions.~~

9 (5) They shall be subject to the same quality monitoring  
10 processes to assess life quality outcomes as are applied to  
11 community-based residential services that are not state-owned,  
12 state-operated, or state-staffed.

13 (6) They shall operate in compliance with all applicable federal  
14 and state statutes and regulations related to quality assurance and  
15 monitoring of the provision of services.

16 (7) The department shall develop a plan in consultation with all  
17 appropriate stakeholders to provide orientation and training  
18 sufficient to ensure the successful transition of employees who  
19 were previously employed in a state developmental center and the  
20 effective implementation of this paragraph.

21 (f) The department shall report to the appropriate legislative  
22 committees by April 1 of each year on its plans for development  
23 in the subsequent budget year of any facilities authorized by this  
24 section.

#### 25 Article 4. Funding

26 ~~4856.—~~

27  
28 4876. (a) It is the intent of the Legislature in enacting this  
29 chapter to ensure that every person who receives services in the  
30 community, including those who move from a developmental  
31 center and those who are deflected from admission to a  
32 developmental center, shall achieve the best possible health and  
33 quality of life for a lifetime.

34 (b) In order to minimize General Fund costs, regional centers  
35 shall, consistent with individual program plans, make use of  
36 circles of support of families and friends, as appropriate, and of  
37 generic and federal funding resources for community-based  
38 services.  
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Article 5. Legislative Oversight

~~4857.—~~

4877. In order to ensure quality, to evaluate costs and outcomes, and to make informed judgments regarding the future replication and adaptation of programs and services offered pursuant to this chapter, the department, in consultation with appropriate stakeholder organizations, shall gather and analyze information pertaining to the implementation of this chapter. The department shall report annually to the Legislature, and shall include recommendations for corrective action when necessary, regarding both of the following issues:

~~(a) The progress or lack of progress there has been in achieving the objectives in individual program plans for persons who have moved from state institutions to community-based services.~~

~~(b) The~~ regarding the success of state-owned, state-operated, and state-staffed facilities and services in meeting the needs of consumers who are provided with services pursuant to Section ~~4855–4875~~, and a review of progress toward achieving the principles set forth in subdivision (e) of Section 4875.